IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 21321 of 2004

Between:

Patibanda Rama Krishna, S/o. Late Sri P.V. Ramanaiah,
Executive in M/s. Singareni Collieries Co., Ltd.

R/o. Aloor (Village),

Ramagundam Mandal,
Karimnagar District.

..... PETITIONER

AND

1 Chairman & Managing Director, Singareni Collieries Co. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad.
2 Director (P.A. & W), M/s. The Singareni Collieries Co. Ltd.,
Corporate Office, Kothagudem, Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction, particularly a writ of mandamus, declaring the action of the respondent in not promoting the petitioner as Additional General Manager, Personnel, M-II Grade as illegal and arbitrary being violative of Articles 14 and 21 of the Constitution of India and contrary to CD&A rules of the company and also violative of principles of natural justice and issue a consequential direction directing the respondents to open the sealed cover containing the recommendation of the DPC and promote the petitioner as Additional General Manager, Personnel M-II Grade July protecting his seniority, pursuant to the interviews held on 09-3-2004.

Counsel for the Petitioner:MR.J.PRABHAKAR

Counsel for the Respondent : MR.NANDIGAM KRISHANA RAO

The Court made the following :

ORDER:

This writ petition is filed to declare the action of the respondents in not promoting the petitioner as Additional General Manager ,Personnel, M-II Grade as illegal and arbitrary.

The grievance of the petitioner is that there was no delay on his part at any stage of enquiry and therefore for that reason not considering his promotion as Additional General Manager, M-II Grade challenging the same, the present writ petition is filed.

The learned counsel for the petitioner contended that there was no inaction on the part of the writ petitioner in not cooperating with the Enquiry Officer and therefore, keeping the promotion in the sealed cover would cause hardship to the petitioner and therefore, he prays to open the sealed cover containing the recommendation of Departmental Promotion Committee.

On the other hand, the learned counsel for the respondent contending that the departmental enquiry is completed and appropriate orders have to be passed and seeks two months time for passing of the final orders if the petitioner is exonerated in the enquiry, then he will be given promotion as per the recommendations of the Departmental Promotion Committee. Hence, he prays to dismiss the writ petition.

The facts narrated are as follows:

Admittedly the departmental enquiry is pending relating to the writ petitioner and that is the reason why the Departmental Promotional Committee held its meeting in the year 2003, and the recommendations of the Departmental Promotion Committee were placed under sealed cover in view of the pendency of the enquiry.

Therefore, at this stage, it is not desirable to give any direction to the respondents to open the sealed cover since admittedly the departmental enquiry is

pending.

Therefore, the respondents are directed to pass appropriate orders on the report submitted by the Enquiry Officer and thereafter the sealed cover has to be opened and basing on the recommendations of the Departmental Promotion Committee, if he is eligible, he shall be promoted by duly protecting his seniority.

With the above observation, the writ petition is disposed of. No costs.

25-11-2004 ----------

KCB, J

Stp

To

1 Chairman & Managing Director, Singareni Collieries Co. Ltd.,
Singareni Bhavan, Red Hills, Hyderabad.
2 Director (P.A. & W), M/s. The Singareni Collieries Co. Ltd.,
Corporate Office, Kothagudem, Khammam District.

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THE HON'BLE MR JUSTICE K.C. BHANU

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